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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,723

Applicant(s)

CHAMBERS ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19-22 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-22 and 26-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11,30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gould et al (6088671) in view of White (5386494).

As per claims 1,30, Gould et al (6088671) teaches a method for using a microphone and a button wherein the method comprises activating said microphone (col. 2 lines 64-67, Fig. 1); receiving a user input on the button (as Utt interrupt signal, col. 3 lines 22-45); and placing the device into a dictation or command mode (col. 1 lines 42-57, Fig. 4);

As per claims 2-8,31-35, Gould et al (6088671) teaches various types of combinations of the use of the button, for example, the user can change the input as command or dictation (col. 10 lines 3-6, col. 11 lines 9-16).

Art Unit: 2655

As per claim 9, Gould et al (6088671) teaches an indication to the user as to what mode is being used (as box being outlines -- Fig. 15d)

As per claims 10,11, Gould et al (6088671) teaches display an highlighting as an indicator (col. 5 lines 13-16).

As per claims 1-9,30, Gould et al (6088671) does not explicitly teach actuating of buttons, however, White (5386494) teaches the actuating of buttons to discriminate between recognizing speech or spoken commands (White (5386494), fig. 6, subblocks 115,117,119,121). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition programs at the time the invention was made to advance the teachings of Gould et al (6088671) with mouse button specific tasks alternating between recognition and command recognition because it would advantageously allow for the user to correct system recognition (White (5386494), col. 6 lines 24 – 60).

3. Claims 12-16,19-22,26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gould et al (6088671) in view of White (5386494) in further view of VanBuskirk et al (6075534).

As per claims 12,22,23, the combination of Gould et al (6088671) in view of White (5386494) teaches speech recognition system with microphonic input (col. 2 lines 55-67) that automatically detects speech as a command or dictation (col. 2 lines 50-60; col. 3 lines 35-50, and Fig. 4), as well as the actuating of buttons to discriminate between

Art Unit: 2655

recognizing speech or spoken commands (White (5386494), fig. 6, subblocks 115,117,119,121). The combination of Gould et al (6088671) in view of White (5386494) does not explicitly teach a distinct relationship between an input by the user (via a button) and two states of a microphone. VanBuskirk et al (6075534), however, teaches a speech recognition user interface, supporting different modes of operation, including 2 microphonic state (col. 2 lines 1-35). Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition to modify the teachings of the combination of Gould et al (6088671) in view of White (5386494) with a dual mode microphone because it would advantageously allow the user to shut off the microphone (VanBuskirk et al (6075534), col. 4 lines 40-51).

As per claims 13-16, the combination of Gould et al (6088671) in view of White (5386494) in further view of VanBuskirk et al (6075534) teaches two separate activation states of the microphone (VanBuskirk et al (6075534), col. 5 lines 15-30).

As per claims 19-21,26-29 the combination of Gould et al (6088671) in view of White (5386494) in further view of VanBuskirk et al (6075534) teaches a processor recognizing dictate text and commands (Gould, Fig. 2, with a microphonic input – col. 2 lines 64-68), wherein the minibar functions are used to turn the microphone off, turn it on, and turn it on for either navigation mode or dictation mode (VanBuskirk et al (6075534), col. 4 lines 46-67).

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The examiner notes the role of the White reference above to address the actuation of buttons to distinguish between regular recognition and command recognition.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2655

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
12/7/05



W. R. YOUNG
PRIMARY EXAMINER